

d.) Remarks

Applicant submits herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent, PTO form SB/26. The Disclaimer is executed by Mark Gummin, a co-inventor as well as an authorized executive of the assignee company, Perihelian LLC.

The following facts demonstrate that the present application and the subject patent 6,326,707 B1 (hereinafter, the '707 patent) are commonly owned. The patent application which gave rise to the '707 patent is serial no. 09/566,446, filed May 8, 2000. The '707 patent was assigned to Perihelian LLC in an assignment document recorded in the US PTO on January 14, 2003 in Reel/Frame 013684/0196. The recorded assignment states in part that the conveyance is for "the entire right, title and interest in and to our said invention and in and to said Patent, for the whole of the United States and in all jurisdictions outside of the United States, together with any divisions, renewals, extensions, continuations, continuations-in-part, reexamination certificates and reissues thereof, based in whole or in part on said Patent, and any and all related letters patent that may issue thereon."

The present application, being a continuation of the assigned patent, is necessarily fully owned and controlled by Perihelian LLC. Therefore common ownership of the present application and the '707 patent is clearly set forth, and the Terminal Disclaimer signed by an authorized officer of the assignee should be accepted.

The rejection of claims 13-18 has been overcome, and there is no remaining impediment to issuance of all claims now presented in this application. Action toward that end is earnestly solicited. The requisite fee for the Disclaimer accompanies this Amendment.

Respectfully Submitted,



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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as properly posted first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on

1-15-04



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date